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MINUTES OF COUNCIL REGULAR MEETING – MARCH 24, 2009

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THE CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, MARCH 24, 2009, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR NORDFELT.

THE FOLLOWING MEMBERS WERE PRESENT:

Dennis J. Nordfelt
Russ Brooks
Carolynn Burt
Joel Coleman
Corey Rushton
Steve Vincent
Mike Winder

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

STAFF PRESENT:

Paul Isaac, Assistant City Manager
Russell Willardson, Public Works Director
Jim Welch, Finance Director
Richard Catten, City Attorney
Kevin Astill, Parks and Recreation Director
Layne Morris, Community Preservation Director
Tom McLachlan, Acting Police Chief
John Janson, Acting CED Director
Stan Varney, Acting Fire Chief
Dean Williams, Fire Department
Carl Andreason, Fire Department
Aaron Crim, Administration
Jake Arslanian, Public Works Department

14463

OPENING CEREMONY

The Opening Ceremony was conducted by Steve Vincent who commented regarding the great country in which we live and he led the Pledge of Allegiance to the Flag.

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14464 **SCOUTS**

Mayor Nordfelt welcomed Varsity Scout Troop No. 561 in attendance to complete requirements for the Citizenship in the Community merit badge.

14465 **COMMENT PERIOD**

Upon inquiry by Mayor Nordfelt there was no one in attendance who desired to address the City Council during the comment period.

14466 **PUBLIC HEARING, APPLICATION NO. ZT-17-2008, FILED BY WEST VALLEY CITY, REQUESTING A ZONE TEXT MODIFICATION ADDRESSING ULTIMATE FIGHTING IN SECTIONS 7-6-1108, 7-2-131, 7-6-1002 AND 7-6-1012 OF THE WEST VALLEY CITY MUNICIPAL CODE**

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. ZT-17-2008, filed by West Valley City, requesting a zone text modification addressing ultimate fighting in Sections 7-6-1108, 7-2-131, 7-6-1002 and 7-6-1012 of the West Valley City Municipal Code. He discussed proposed Ordinance No. 09-08 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 09-08 which would amend Sections 7-1-103, 7-6-1002, 7-6-1012, 7-6-1103, 7-6-1108 and enact Section 7-2-131 regarding guidelines for fighting events.

Mr. Pyle stated with the growing support of fighting events in the media, small businesses in the City desired to host fights at their place of business. He proposed a text change to provide guidelines for fighting events to ensure they occurred in the correct zones within the City.

The City Manager reported the proposed ordinance would add a definition to the ordinance for “unarmed combat” that would include ultimate fighting, kick boxing, boxing, martial arts, or combative event. He stated this would not include classes at a karate school or a similar instructional setting. He explained the fighting event would be limited to permanent facilities with permanent fixed seating. He stated the Planning Commission recommended approval of the ordinance if facilities were limited to a minimum of 2,000 fixed seats.

Mr. Pyle stated in addition a series of requirements were already set forth in State law to provide for the safety and security of the fighters and spectators. He

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indicated the requirements included keeping a doctor ringside, requiring an ambulance on site, requiring fighters to have a physical before and after the match, requiring law enforcement officers onsite, and so on. He indicated these use of a facility for these events would require a conditional use permit in 'C-2,' 'C-3,' and 'M' zones and would not be permitted in other zones. In addition, unarmed combat would be added to the regulations for reception halls that would require fighting events to be located at least 500 feet from any residential property line if the event continued later than ten o'clock p.m.

Mayor Nordfelt opened the public hearing.

Gerald Wise, 4025 South 6820 West, addressed the City Council. Mr. Wise stated there were a lot of other issues that were more pressing as far as public safety and he inquired why this matter was so high in priority on the City's agenda. He indicated other issues that were public safety issues were multiple families living in one home, traffic violations, speeding in neighborhoods, and unlicensed businesses. He asked who would enforce the subject ordinance and who would pay for it.

There being no one else to speak either in favor or in opposition, Mayor Nordfelt closed the public hearing.

ACTION: ORDINANCE NO. 09-08, AMENDING SECTIONS 7-1-103, 7-6-1002, 7-6-1012, 7-6-1103, 7-6-1108, AND ENACTING SECTION 7-2-131 REGARDING GUIDELINES FOR FIGHTING EVENTS

The City Council previously held a public hearing regarding Application No. ZT-17-2008, filed by West Valley City, and proposed Ordinance No. 09-08 which would amend Sections 7-1-103, 7-6-1002, 7-6-1012, 7-6-1103, 7-6-1108, and enact Section 7-2-131 regarding guidelines for fighting events.

After discussion, Councilmember Coleman moved to table proposed Ordinance No. 09-08 and continue the matter to no date certain to allow additional time to resolve issues as discussed in a previous Study Meeting, and to be brought back to the City Council and the public hearing reopened at that time. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	No
Mr. Coleman	Yes

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Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Majority. Proposed Ordinance No. 09-08 tabled and continued to no date certain.

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RESOLUTION NO. 09-141, AUTHORIZE THE CITY TO PURCHASE A TEE MOWER FROM ROCKY MOUNTAIN TURF AND INDUSTRIAL EQUIPMENT COMPANY FOR USE AT STONEBRIDGE GOLF COURSE
City Manager, Wayne Pyle, presented proposed Resolution No. 09-141 which would authorize the City to purchase a tee mower from Rocky Mountain Turf and Industrial Equipment Company, in an amount not to exceed \$18,897.00, for use at Stonebridge Golf Course.

Mr. Pyle stated competitive sealed bids had been requested from vendors through newspaper ads and three vendors responded, as follows:

Rocky Mountain Turf & Ind. Equip.	Jacobsen GK IV Plus	\$18,897.00
Rocky Mountain Turf & Ind. Equip.	Jacobsen Greens-Plex III	\$19,797.00
Greenline Equipment Company	John Deere 2500 B	\$20,265.00
Turf Equipment & Irrigation Inc.	Toro GM 3150	\$22,900.00

The City Manager stated Rocky Mountain Turf & Industrial Equipment Company was the lowest responsible bidder for the tee mower at \$18,897.00.

Mr. Pyle indicated Stonebridge Golf Course needed to replace a tee mower to enable staff to get work done between all scheduled tournaments. He stated a list of requirements for the machine had been prepared, competitive sealed bids requested and received as outlined above.

After discussion, Councilmember Brooks moved to approve Resolution No. 09-141, a Resolution Authorizing the City to Purchase a Tee Mower from Rocky Mountain Turf & Industrial Equipment Company for use at the Stonebridge Golf Course. Councilmember Winder seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes

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Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

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RESOLUTION NO. 09-142, AUTHORIZE THE CITY TO PURCHASE A FAIRWAY MOWER FROM GREENLINE EQUIPMENT COMPANY FOR USE AT STONEBRIDGE GOLF COURSE

City Manager, Wayne Pyle, presented proposed Resolution No. 09-142 which would authorize the City to purchase a fairway mower from Greenline Equipment Company, in an amount not to exceed \$26,900.00, for use at Stonebridge Golf Course.

Mr. Pyle stated competitive sealed bids had been requested from vendors through newspaper ads and three vendors responded, as follows:

Greenline Equipment Company	John Deere 3235 Demo	\$26,900.00
Greenline Equipment Company	John Deere 7700	\$36,706.00
Rocky Mountain Turf & Ind. Equip.	Jacobsen LF 3800	\$42,438.00

Mr. Pyle indicated Stonebridge Golf Course needed to replace the fairway mower to enable staff to get work done between all scheduled tournaments. He stated a list of requirements for the machine had been prepared and competitive sealed bids requested and received as outlined above.

After discussion, Councilmember Rushton moved to approve Resolution No. 09-142, a Resolution Authorizing the City to Purchase a Fairway Mower from Greenline Equipment Company for use at the Stonebridge Golf Course. Councilmember Coleman seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

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Unanimous.

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CONSENT AGENDA:

A. RESOLUTION NO. 09-143, ACCEPT GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM DONALD MONTGOMERY FOR PROPERTY LOCATED AT 3969 SOUTH SUNNYVALE DRIVE FOR THE SUNNYVALE ACORD SIDEWALK PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 09-143 which would accept a Grant of Temporary Construction Easement from Donald Montgomery for property located at 3969 South Sunnyvale Drive for the Sunnyvale Acord Sidewalk Project.

Mr. Pyle stated Donald Montgomery had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of the Sunnyvale Acord Sidewalk Project. He indicated the easement would allow the contractor to make the necessary tie-ins to the property. He stated compensation for the construction easement would be in the amount of \$200.00, which easement would automatically expire December 31, 2010.

B. RESOLUTION NO. 09-144, ACCEPT GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM JUNIOR AND ANNIE BANZA FOR PROPERTY LOCATED AT 4027 SOUTH ACORD WAY FOR THE SUNNYVALE ACORD SIDEWALK PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 09-144 which would accept a Grant of Temporary Construction Easement from Junior and Annie Banza for property located at 4027 South Acord Way for the Sunnyvale Acord Sidewalk Project.

Mr. Pyle stated Junior and Annie Banza had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of the Sunnyvale Acord Sidewalk Project. He indicated the easement would allow the contractor to make the necessary tie-ins to the property. He stated compensation for the construction easement would be in the amount of \$200.00, which easement would automatically expire December 31, 2010.

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C. RESOLUTION NO. 09-145, ACCEPT GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM JOSE URCINO AND FORENTINA LABRA FOR PROPERTY LOCATED AT 3897 SOUTH SUNNYVALE DRIVE

City Manager, Wayne Pyle, presented proposed Resolution No. 09-145 which would accept a Grant of Temporary Construction Easement from Jose Urcino and Forentina Labra for property located at 3897 South Sunnyvale Drive.

Mr. Pyle stated Jose Urcino and Forentina Labra had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of the Sunnyvale Acord Sidewalk Project. He indicated the easement would allow the contractor to make the necessary tie-ins to the property. He also reported compensation for the easement would be in the amount of \$200.00, which easement would automatically expire on December 31, 2010.

D. RESOLUTION NO. 09-146, ACCEPT GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM DIAN AND ROBERT DRESSLER FOR PROPERTY LOCATED AT 3985 SOUTH 5200 WEST FOR THE 5200 WEST IMPROVEMENT PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 09-146 which would accept a Grant of Temporary Construction Easement from Dian and Robert Dressler for property located at 3985 South 5200 West for the 5200 West Improvement Project.

Mr. Pyle stated Dian and Robert Dressler had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of the 5200 West Improvement Project extending from 3500 South to 4100 South. He indicated the easement would allow the contractor to make the necessary tie-ins to the property. He stated compensation for the construction easement would be in the amount of \$200.00, which easement would automatically expire December 31, 2010.

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E. RESOLUTION NO. 09-147, ACCEPT GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM JOHN AND JACKIE BETTS FOR PROPERTY LOCATED AT 3920 SOUTH 5200 WEST FOR THE 5200 WEST IMPROVEMENT PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 09-147 which would accept a Grant of Temporary Construction Easement from John and Jackie Betts for property located at 3920 South 5200 West for the 5200 West Improvement Project.

Mr. Pyle stated John and Jackie Betts had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of the 5200 West Improvement Project extending from 3500 South to 4100 South. He indicated the easement would allow the contractor to make the necessary tie-ins to the property. He stated compensation for the construction easement would be in the amount of \$200.00, which easement would automatically expire December 31, 2010.

F. RESOLUTION NO. 09-148, ACCEPT GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM STEPHEN J. MITCKES FOR PROPERTY LOCATED AT 3723 SOUTH 5200 WEST FOR THE 5200 WEST IMPROVEMENT PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 09-148 which would accept a Grant of Temporary Construction Easement from Stephen J. Mitckes for property located at 3723 South 5200 West for the 5200 West Improvement Project.

Mr. Pyle stated Stephen J. Mitckes had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of the 5200 West Improvement Project extending from 3500 South to 4100 South. He indicated the easement would allow the contractor to make the necessary tie-ins to the property. He stated compensation for the construction easement would be in the amount of \$200.00, which easement would automatically expire December 31, 2010.

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G. RESOLUTION NO. 09-149, ACCEPT GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM RUSSELL E. DAY FOR PROPERTY LOCATED AT 3789 SOUTH 5200 WEST FOR THE 5200 WEST IMPROVEMENT PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 09-149 which would accept a Grant of Temporary Construction Easement from Russell E. Day for property located at 3789 South 5200 West for the 5200 West Improvement Project.

Mr. Pyle stated Russell E. Day had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of the 5200 West Improvement Project extending from 3500 South to 4100 South. He indicated the easement would allow the contractor to make the necessary tie-ins to the property. He stated compensation for the construction easement would be in the amount of \$200.00, which easement would automatically expire December 31, 2010.

H. RESOLUTION NO. 09-150, ACCEPT GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM LLOYD AND JOANN TAYLOR FOR PROPERTY LOCATED AT 3965 SOUTH 5200 WEST FOR THE 5200 WEST IMPROVEMENT PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 09-150 which would accept a Grant of Temporary Construction Easement from Lloyd and Joann Taylor for property located at 3965 South 5200 West for the 5200 West Improvement Project.

Mr. Pyle stated Lloyd and Joann Taylor had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of the 5200 West Improvement Project extending from 3500 South to 4100 South. He indicated the easement would allow the contractor to make the necessary tie-ins to the property. He stated compensation for the construction easement would be in the amount of \$200.00, which easement would automatically expire December 31, 2010.

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I. RESOLUTION NO. 09-151, ACCEPT GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM ALLEN AND DIANE RUSHTON FOR PROPERTY LOCATED AT 3910 SOUTH 5200 WEST FOR THE 5200 WEST IMPROVEMENT PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 09-151 which would accept a Grant of Temporary Construction Easement from Allen and Diane Rushton for property located at 3910 South 5200 West for the 5200 West Improvement Project.

Mr. Pyle stated Allen and Diane Rushton had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of the 5200 West Improvement Project extending from 3500 South to 4100 South. He indicated the easement would allow the contractor to make the necessary tie-ins to the property. He stated compensation for the construction easement would be in the amount of \$200.00, which easement would automatically expire December 31, 2010.

J. RESOLUTION NO. 09-152, ACCEPT GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM ALLEN AND DIANE RUSHTON FOR PROPERTY LOCATED AT 3912 SOUTH 5200 WEST FOR THE 5200 WEST IMPROVEMENT PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 09-152 which would accept a Grant of Temporary Construction Easement from Allen and Diane Rushton for property located at 3912 South 5200 West for the 5200 West Improvement Project.

Mr. Pyle stated Allen and Diane Rushton had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of the 5200 West Improvement Project extending from 3500 South to 4100 South. He indicated the easement would allow the contractor to make the necessary tie-ins to the property. He stated compensation for the construction easement would be in the amount of \$200.00, which easement would automatically expire December 31, 2010.

After discussion, Councilmember Coleman moved to approve Resolution Nos. 09-143, 09-144, 09-145, 09-146, 09-147, 09-148, 09-149, 09-150, 09-151, and

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09-152, as presented on the Consent Agenda. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, MARCH 24, 2009, WAS ADJOURNED AT 6:46 P.M., BY MAYOR NORDFELT.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting of the West Valley City Council held Tuesday, March 24, 2009.

Sheri McKendrick, MMC
City Recorder

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